

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2011 Legislative Session

**Legislative Day No. 7
June 6, 2011**

HOWARD COUNTY TO WIT:

The Chairman called the special legislative session to order at 7:33 p.m.

Calvin Ball, Chairperson; Jennifer Terrasa, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 5, May 2, 2011 and Legislative Day No. 6, May 25, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing – May 16, 2011, Budget Work Session (Operating Budget – General Government) – May 18, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

CR98-11 - A RESOLUTION confirming the appointment of Mitra Basu to the Commission for Women.

CR99-11 - A RESOLUTION confirming the appointment of Paul J. Beckham to the Howard County Revenue Authority.

CR100-11 - A RESOLUTION confirming the appointment of Ankur P. Dalal to the Board of Library Trustees

CR101-11 - A RESOLUTION confirming the appointment of Gerald Engel to the Board of Directors of the Howard County Mental Health Authority.

CR102-11 - A RESOLUTION confirming the appointment of Michelle B. Glassburn to the Board to Promote Self-Sufficiency.

CR103-11 - A RESOLUTION confirming the appointment of Richard C. Hackney to the Equal Business Opportunity Commission.

CR104-11 - A RESOLUTION confirming the appointment of Gregory Hamilton to the Board of Directors of the Howard County Mental Health Authority

CR105-11 - A RESOLUTION confirming the appointment of Dona M. Marshall to the Advisory Board on Consumer Affairs.

CR106-11 - A RESOLUTION confirming the appointment of Richard McCray, II to the Commission on Aging.

CR107-11 - A RESOLUTION confirming the appointment of Jason Michaelson to the Advisory Board on Consumer Affairs.

CR108-11 - A RESOLUTION confirming the appointment of Carolyn Rimes to the Commission on Aging.

CR109-11 - A RESOLUTION confirming the appointment of Rebecca A. Weaver to the Board of Directors of the Howard County Mental Health Authority.

General

CB30-11- Introduced by Courtney Watson, Co-sponsored by Greg Fox - AN ACT establishing a tax credit against the Howard County real property tax for certain nonprofit swim clubs under certain conditions; establishing the duration of the credit; providing for an application procedure; and generally relating to property tax credits in Howard County.

CB31-11 (ZRA 134) - Introduced by: The Chairperson at the request of the Marsha S. McLaughlin, Director, Department of Planning and Zoning - AN ACT amending the Howard County Zoning Regulations to provide that variances may remain valid as long as certain plans are being processed in accordance with certain provisions of the Howard County Code; and generally relating to the Howard County Zoning Regulations.

CB32-11 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Maintenance Agreement between Howard County, Maryland and Accela, Inc. for a maintenance agreement for certain software systems used by the Department of Inspections, Licenses and Permits; and authorizing the County Executive to take certain actions in connection with the Agreement.

CB33-11 - AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the Howard County Public Safety Dispatchers Association that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; and providing for the application of this Act.

CB34-11 - AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21 that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21 that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

CB35-11 - AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor’s Alliance that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor’s Alliance that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

CB36-11 - AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3888, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; and providing for the application of this Act.

CB37-11 (ZRA 131) - Introduced by: Introduced by: Greg Fox, Councilperson and Mary Kay Sigaty, Councilperson - AN ACT amending the Howard County Zoning Regulations to establish an alternate method for calculating the minimum requirement for off-street parking for funeral homes; and generally relating to off-street parking for funeral homes.

CB38-11 (ZRA 132)- Introduced by: The Chair at the request of Patrick Marlatt - AN ACT amending the Howard County Zoning Regulations to remove Funeral Homes and Mortuaries as

a permitted use in certain zoning districts; add a requirement that Funeral Homes and Mortuaries permitted as a matter of right in certain zoning districts be served by public water and sewer; remove Funeral Homes and Mortuaries as a Conditional Use; and generally relating to Funeral Homes and Mortuaries.

CB39-11 (ZRA 133) - Introduced by: The Chair at the request of Robert Styer - AN ACT amending the Howard County Zoning Regulations to remove Limited Outdoor Social Assemblies as a permitted Conditional Use; and generally relating to Limited Outdoor Social Assemblies.

CR110-11 - A RESOLUTION approving an amendment to the Solid Waste Management Plan, 2003-2013, in accordance with the procedure required by State Law.

CR111-11 - Introduced by: The Chairperson - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on July 28, 2011.

The Chairperson moved to withdraw Council Bill 38-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill 38-2011 was withdrawn.

The Chairperson moved to withdraw Council Bill 39-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill 39-2011 was withdrawn.

FINAL CONSIDERATION

Consent

Council Resolution No. 47-2011 - A RESOLUTION confirming the appointment of Deborah Adler to the Adult Public Guardianship Review Board.

Council Resolution No. 48-2011 - A RESOLUTION confirming the appointment of Knowlton R. Atterbeary to the Equal Business Opportunity Commission.

Council Resolution No. 49-2011 -A RESOLUTION confirming the appointment of Reginald T. Avery to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 50-2011 - A RESOLUTION confirming the appointment of John Beck to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 51-2011 - A RESOLUTION confirming the appointment of Jonathan K. Branch to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 53-2011 - A RESOLUTION confirming the appointment of Antonio S. daRosa to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 54-2011 - A RESOLUTION confirming the appointment of Jill Marie Godzilevsky to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 55-2011 - A RESOLUTION confirming the appointment of Edward R. Herbert, III to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 56-2011 - A RESOLUTION confirming the appointment of Jerome Jones to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 57-2011 - A RESOLUTION confirming the appointment of Margaret Kim to the Equal Business Opportunity Commission.

Council Resolution No. 58-2011 - A RESOLUTION confirming the appointment of Howard T. Mooney, Jr. to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 59-2011 - A RESOLUTION confirming the appointment of Alissa G. Putman, Ph. D. to the Board of Social Services.

Council Resolution No. 60-2011 - A RESOLUTION confirming the appointment of John D. Rhoad, Jr. to the Public Works Board.

Council Resolution No. 61-2011 - A RESOLUTION confirming the appointment of Olayta L. Rigsby to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 63-2011 - A RESOLUTION confirming the appointment of Robert Seipel to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 64-2011 - A RESOLUTION confirming the appointment of Stacey Shade-Ware to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 65-2011 - A RESOLUTION confirming the appointment of Todd Snyder to the Pension Oversight Commission.

Council Resolution No. 66-2011 - A RESOLUTION confirming the appointment of William G. Volenick to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 67-2011 - A RESOLUTION confirming the appointment of Robert L. Wallace to the Equal Business Opportunity Commission.

Council Resolution No. 68-2011 - A RESOLUTION confirming the reappointment of Kari Appler to the Board of Health.

Council Resolution No. 69-2011 - A RESOLUTION confirming the reappointment of Naureen Elahi to the Environmental Sustainability Board.

Council Resolution No. 70-2011 - A RESOLUTION confirming the reappointment of Michael S.

Marcus to the Adult Public Guardianship Review Board.

Council Resolution No. 71-2011 - A RESOLUTION confirming the reappointment of Dana Hubbard Roscoe to the Animal Matters Hearing Board.

Council Resolution No. 72-2011 - A RESOLUTION confirming the reappointment of Sharon Sapp, R.N. to the Adult Public Guardianship Review Board.

Council Resolution No. 73-2011 - A RESOLUTION confirming the reappointment of Michael C. Smith to the Board of Social Services.

Council Resolution No. 74-2011 - A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

The Chairperson moved to adopt the items on the consent agenda. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolutions No. 47-2011, No. 48-2011, No. 49-2011, No. 50-2011, No. 51-2011, No. 53-2011, No. 54-2011, No. 55-2011, No. 56-2011, No. 57-2011, No. 58-2011, No. 59-2011, No. 60-2011, No. 61-2011, No. 63-2011, No. 64-2011, No. 65-2011, No. 66-2011, No. 67-2011, No. 68-2011, No. 69-2011, No. 70-2011, No. 71-2011, No. 72-2011, No. 73-2011, and No. 74-2011 passed.

Other Appointments

The Chairperson moved to remove CR33-2011 from the table as follows:

Council Resolution 33-2011 - A RESOLUTION confirming the appointment of Timothy G. Wolf to the Adult Public Guardianship Review Board.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to removed Council Resolution 33-2011 from the table passed.

The Chairperson moved to approve CR33-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution 33-2011 passed.

The Chairperson moved to table CR52-2011 as follows:

Council Resolution No. 52-2011 - A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution 52-2011 was tabled.

The Chairperson moved to approve CR62-2011 as follows:

Council Resolution No. 62-2011 - A RESOLUTION confirming the appointment of Joseph W. Rutter, Jr. to the Soil Conservation District.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 1 to CR62-2011 as follows:

(This amendment corrects the length of a term.)

On page 1, in line 12, strike “2013” and substitute “2016”.

The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Resolution 62-2011 passed.

The roll call vote called by the Chairperson to approve County Resolution 62-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution 62-2011 as amendment passed.

Financial

Council Resolution No. 75-2011 - A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2011; transferring \$4,423,100 to the Instruction-Texts category; transferring \$163,000 to the Instruction-Other category; transferring \$759,000 to the Transportation category; transferring \$294,500 to the Maintenance of Plant category; and transferring \$463,900 to the Fixed Charges category.

The Chairperson moved to adopt Council Resolution No. 75-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 75-2011 passed.

Council Resolution No. 76-2011 - A RESOLUTION amending the Fiscal Year 2011 operating budget for the Howard Community College in order to transfer \$800,000 within unrestricted fund expenditures and \$4,000,000 within restricted fund expenditures.

The Chairperson moved to adopt Council Resolution No. 76-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 76-2011 passed.

General

Council Bill No. 16-2011 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to correct reference to the Police Officers' Association and the Human Resources Administrator's membership on the Retirement Plan Committee; to amend certain maximum limitations under Section 415 of the Internal Revenue Code as permitted by changes to Treasury Regulations; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

The Chairperson moved to adopt Council Bill No. 16-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 16-2011 passed.

Council Bill No. 17-2011 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Power Purchase Agreement between Howard County, Maryland and Energy Answers Baltimore Holding, L.L.C., Energy Answers Baltimore, L.L.C., and Energy Answers International, Inc. for the purchase of electric power; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to adopt Council Bill No. 17-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

Council Bill No. 17-2011 passed.

Council Bill No. 18-2011 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a First Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 9770 Patuxent Woods Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to adopt Council Bill No. 18-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

Council Bill No. 18-2011 passed.

Council Bill No. 19-2011 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Second Amendment to Agreement of Lease between Howard County, Maryland and Liberty Property Limited Partnership for the lease of space located at 7178-7180 Columbia Gateway Drive, Columbia, Maryland; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to adopt Council Bill No. 19-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

Council Bill No. 19-2011 passed.

Council Resolution No. 77-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .00758 acres of property owned by the County located at the Savage Fire Station; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to adopt Council Resolution No. 77-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 77-2011 passed.

Council Resolution No. 78-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company on approximately .0008 acres of property owned by the County located at the North Laurel Park; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to adopt Council Resolution No. 78-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

Council Resolution No. 78-2011 passed.

Mr. Fox moved to reconsider the vote on Council Resolution 77-2011. The motion was seconded by the Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to reconsider the vote on Council Resolution 77-2011 passed.

The Chairperson moved to adopt Council Resolution 77-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

Council Resolution 77-2011 passed.

Council Resolution No. 79-2011 - A RESOLUTION requiring the Howard County Environmental Sustainability Board to review the potential environmental impacts of the CSX Intermodal facility being proposed at two sites in Howard County and to make a certain report by a certain date and requesting the County Executive to provide appropriate county resources to support this effort.

The Chairperson moved to adopt Council Resolution No. 79-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 as follows:

(This amendment specifies which assessment the Environmental Sustainability Board will be reviewing, requests certain presentations to the Board, amends the timing for certain reports to the Council, and clarifies the contents of the report.)

In the title, in the second line, strike “potential environmental impacts of” and substitute “environmental assessment or impact statement developed through the NEPA process for” and, in the third sentence, strike “by a certain date”.

On page 1, in line 20, before “reviewing” insert “monitoring and”.

On page 1, strike beginning with “possible” in line 20 down through, and including, “CSX” in line 21 and substitute “environmental assessment or impact statement developed by CSX and/or the Maryland Department of Transportation for the”.

On page 1, in line 23, after “that” insert “we request CSX and/or the Maryland Department of Transportation present the findings of the NEPA process to”.

On page 1, in line 23, after “Board” insert “and the Board”.

On page 1, strike beginning with “in” in line 23 down through, and including, “2011,” in line 24 and substitute “to the Council within a reasonable time after the presentation”.

On page 1, strike beginning with “delineate” in line 25 down through, and including, “County.” in line 27 and substitute “prioritize findings of the assessment or impact statement and identify any deficiencies, as well as make any other recommendations or comments that the Board feels is

appropriate.”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 1 to Council Resolution 79-2011 passed.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 79-2011 as amended passed.

The Chairperson moved to removed Council Bill 7-2011 from the table. The motion was seconded by the Ms. Terrasa. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to remove Council Bill 7-2011 from the table passed.

The Chairperson moved to adopt Council Bill 7-2011 as follows:

Council Bill 7-2011 AN ACT amending the Howard County Zoning Regulations to permit increased residential density on certain CAC (Corridor Activity Center) zoned parcels and to allow the Director of the Department of Planning and Zoning to further reduce the minimum commercial space requirement under certain conditions; and generally relating to the CAC (Corridor Activity Center) zoning district.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, and Terrasa; Nay: Council Members Fox and Watson.

Council Bill 7-2011 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:29 p.m.

TABLED LEGISLATION

Council Resolution No. 22-2011 - Approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.

(Tabled 04/04/11)

Council Resolution No. 38-2011 - Confirming the reappointment of Swathi Narayan to the Human Rights Commission.

(Tabled 05/02/11)

Council Resolution No. 52-2011 - A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

(Tabled 06/06/11)